

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA	:	
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- v. -	:	S3 05 Cr. 1262 (DLC)
	:	
JAIME ENRIQUE ROMERO-PADILLA,	:	
	:	
Defendant.	:	
	:	
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**GOVERNMENT’S RESPONSE TO
DEFENDANT JAIME ENRIQUE ROMERO-PADILLA’S
MOTION TO SUPPRESS A POST-ARREST STATEMENT**

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- Of Counsel -

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The Government respectfully submits this response to the motion to suppress a post-arrest statement made by defendant Jaime Enrique Romero-Padilla on the grounds that he was not advised of his Miranda rights. Although the Government contends that the statement would be admissible as a spontaneous utterance, because the Government does not presently intend to introduce the post-arrest statement made by Romero-Padilla in its case in chief, the Government respectfully submits that the motion need not be decided at this time. Should circumstances change and the Government change its position prior to or during trial, the Government would of course consent to an evidentiary hearing to determine whether the statement would be admissible. In any event, because the DEA agent who would be needed at such a hearing is currently stationed in Kabul, Afghanistan, and because the same DEA agent will be needed to testify at the trial in this matter, the Government would have requested under any circumstances

that any hearing on the admissibility of this statement occur close in proximity to the trial date in the interests of judicial and economic efficiency.

Dated: November 19, 2007

Respectfully submitted,
MICHAEL J. GARCIA
United States Attorney

By: _____//s//_____
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on Joyce London by ECF on November 19, 2007.

 //s//

MARC P. BERGER